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EXAMINER

YOUNG, JOHN L

ART UNIT

PAPER NUMBER

2162

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/469,993

Applicant(s)

Behar et al.

Examiner

John Young

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Dec 22, 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other:

Art Unit: 2162

DRAWINGS

1. This application has been filed with drawings that are considered informal; however, said drawings are acceptable for examination and publication purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

CLAIM REJECTIONS — 35 U.S.C. §103(a)

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2162

2. Independent claim 1 is rejected under 35 U.S.C. §103(a) as being unpatentable over Walker et al. 5,945,653 (08/31/1999) [US f/d: 06/16/1997] (herein referred to as “Walker”).

As per claim 1, Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 651-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) shows elements that suggest “A computerized system for implementing a credit card program rewarding use of a credit card by the credit card holder, comprising . . . a credit card issued by an issuer to a holder, said credit card representing an available line of credit from said issuer for said holder and providing means of payment by said issuer for one or more purchase transactions of said holder . . . a data-processing computer, said computer including a database, said database storing a holder ID and a current balance associated with said holder, said current balance including a sum of all said purchase transactions and any finance or other charges minus any payments by said holder to said issuer and any refunds or other credits . . . a rebate tally for said holder stored in said database, said rebate tally including a portion of said sum of all said purchase transactions minus any rebate payments paid by said issuer to said holder . . . said computer further including means for determining whether a qualifying purchase transaction made by said holder complies with a set of pre-defined program rules; and . . . a rebate payment for said qualifying purchase transaction from said issuer to said holder when said qualifying purchase transaction complies with said predefined program rules.”

Art Unit: 2162

Walker lacks an explicit recitation of “said database storing a holder ID. . . .” It would have been obvious to a person of ordinary skill in the art at the time of the invention that the “*CARDHOLDER ACCOUNT NUMBER*” disclosure of Walker (FIG. 2; and FIG. 3) would have been selected in accordance with “said database storing a holder ID. . . .” because such selection would have provided “*a system and process for establishing and carrying out functions adapted to affect credit card transactions. The functions can be discounts, rebates, special purchase operations . . . or other custom financing . . . which provide benefits to credit card issuers, merchants, and consumers.*” (See Walker (col. 3, ll. 40-50)).

As per claim 2, Walker shows the system of claim 1.

Walker lacks an explicit recitation of the elements and limitations of claim 2, even though Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 651-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests same.

“Official Notice” is taken that both the concept and the advantages of “wherein said rebate payment is the lesser of a portion of said qualifying purchase transaction and said rebate tally. . . .” were inherent, well known and expected in the art by one of ordinary skill at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention that a credit rebate system as claimed

Art Unit: 2162

in claim 1 would have incorporated: “said rebate payment is the lesser of a portion of said qualifying purchase transaction and said rebate tally. . . .” because such selection would have provided “*a system and process for establishing and carrying out functions adapted to affect credit card transactions. The functions can be discounts, rebates, special purchase operations . . . or other custom financing . . . which provide benefits to credit card issuers, merchants, and consumers.*” (See Walker (col. 3, ll. 40-50)).

As per claim 3, Walker shows the system of claim 1.

Walker lacks an explicit recitation of the elements and limitations of claim 3, even though Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 651-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests same.

“Official Notice” is taken that both the concept and the advantages of “wherein said portion of said sum of all said purchase transactions is one of a fixed percentage of said sum of all said purchase transactions, a variable percentage of said sum of all said purchase transactions based on said sum of all said purchase transactions incurred in a fixed period of time and a variable percentage of said sum of all said purchase transactions based on a time of year. . . .” because such selection would have provided “*a system and process for establishing and carrying out functions adapted to affect credit card transactions. The functions can be discounts, rebates, special purchase operations . . . or*

Art Unit: 2162

other custom financing . . . which provide benefits to credit card issuers, merchants, and consumers.” (See Walker (col. 3, ll. 40-50)).

As per claim 4, Walker shows the system of claim 3.

Walker lacks an explicit recitation of the elements and limitations of claim 4, even though Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 651-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests same.

“Official Notice” is taken that both the concept and the advantages of “wherein said fixed percentage of said sum of all said purchase transactions is between about 1 percent and about 15 percent. . . .” because such selection would have provided “*a system and process for establishing and carrying out functions adapted to affect credit card transactions. The functions can be discounts, rebates, special purchase operations . . . or other custom financing . . . which provide benefits to credit card issuers, merchants, and consumers.*” (See Walker (col. 3, ll. 40-50)).

As per claim 5, Walker shows the system of claim 3.

Walker lacks an explicit recitation of the elements and limitations of claim 5, even though Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll.

Art Unit: 2162

40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 651-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests same.

“Official Notice” is taken that both the concept and the advantages of “wherein said fixed percentage of said sum of all said purchase transactions is about 5 percent. . . .” because such selection would have provided *“a system and process for establishing and carrying out functions adapted to affect credit card transactions. The functions can be discounts, rebates, special purchase operations . . . or other custom financing . . . which provide benefits to credit card issuers, merchants, and consumers.”* (See Walker (col. 3, ll. 40-50)).

As per claim 6, Walker shows the system of claim 3.

Walker lacks an explicit recitation of the elements and limitations of claim 6, even though Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 651-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests same.

“Official Notice” is taken that both the concept and the advantages of “wherein said fixed period of time is one month. . . .” because such selection would have provided *“a system and process for establishing and carrying out functions adapted to affect credit card transactions. The functions can be discounts, rebates, special purchase operations . . . or other custom*

Art Unit: 2162

financing . . . which provide benefits to credit card issuers, merchants, and consumers.” (See Walker (col. 3, ll. 40-50)).

As per claim 7, Walker shows the system of claim 3.

Walker lacks an explicit recitation of the elements and limitations of claim 7, even though Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 651-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests same.

“Official Notice” is taken that both the concept and the advantages of “wherein said time of year is the holiday season. . . .” because such selection would have provided “*a system and process for establishing and carrying out functions adapted to affect credit card transactions. The functions can be discounts, rebates, special purchase operations . . . or other custom financing . . . which provide benefits to credit card issuers, merchants, and consumers.*” (See Walker (col. 3, ll. 40-50)).

As per claim 8, Walker shows the system of claim 1.

Walker lacks an explicit recitation of the elements and limitations of claim 8, even though Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-

Art Unit: 2162

67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 651-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests same.

“Official Notice” is taken that both the concept and the advantages of “wherein said portion of said sum of all said purchase transactions is a fixed percentage of said portion of said sum of all said purchase transactions up to a maximum rebate incurred in a fixed period of time. . . .” because such selection would have provided *“a system and process for establishing and carrying out functions adapted to affect credit card transactions. The functions can be discounts, rebates, special purchase operations . . . or other custom financing . . . which provide benefits to credit card issuers, merchants, and consumers.”* (See Walker (col. 3, ll. 40-50)).

As per claim 9, Walker shows the system of claim 8.

Walker lacks an explicit recitation of the elements and limitations of claim 9.

“Official Notice” is taken that both the concept and the advantages of “wherein said fixed percentage is ab out 2 percent and said maximum rebate is about \$500 and said fixed period of time is one year. . . .” because such selection would have provided *“a system and process for establishing and carrying out functions adapted to affect credit card transactions. The functions can be discounts, rebates, special purchase operations . . . or other custom financing . . . which provide benefits to credit card issuers, merchants, and consumers.”* (See Walker (col. 3, ll. 40-50)).

Art Unit: 2162

As per claim 10, Walker shows the system of claim 1.

Walker lacks an explicit recitation of the elements and limitations of claim 10, even though Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 651-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests same.

“Official Notice” is taken that both the concept and the advantages of “wherein said purchase transactions include at least one of purchasing goods form a particular retailer, purchasing goods form any one of several retailers and purchasing goods form any one of several retailers at a particular location. . . .” because such selection would have provided “*a system and process for establishing and carrying out functions adapted to affect credit card transactions. The functions can be discounts, rebates, special purchase operations . . . or other custom financing . . . which provide benefits to credit card issuers, merchants, and consumers.*” (See Walker (col. 3, ll. 40-50)).

As per claim 11, Walker shows the system of claim 1.

Walker lacks an explicit recitation of the elements and limitations of claim 11, even though Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 651-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests same.

Art Unit: 2162

“Official Notice” is taken that both the concept and the advantages of “wherein said portion of said qualifying purchase transaction is one of a fixed amount and a percentage of said qualifying purchase transaction. . . .” because such selection would have provided *“a system and process for establishing and carrying out functions adapted to affect credit card transactions. The functions can be discounts, rebates, special purchase operations . . . or other custom financing . . . which provide benefits to credit card issuers, merchants, and consumers.”* (See Walker (col. 3, ll. 40-50)).

As per claim 12, Walker shows the system of claim 1.

Walker lacks an explicit recitation of the elements and limitations of claim 12, even though Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 651-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests same.

“Official Notice” is taken that both the concept and the advantages of “wherein said portion of said qualifying purchase transaction is a fixed percentage of said qualifying purchase transaction up to a maximum rebate. . . .” because such selection would have provided *“a system and process for establishing and carrying out functions adapted to affect credit card transactions. The functions can be discounts, rebates, special purchase operations . . . or other custom financing . . . which provide benefits to credit card issuers, merchants, and consumers.”* (See Walker (col. 3, ll. 40-50)).

Art Unit: 2162

As per claim 13, Walker shows the system of claim 1.

Walker lacks an explicit recitation of the elements and limitations of claim 13, even though Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 651-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests same.

“Official Notice” is taken that both the concept and the advantages of “wherein said rebate tally further includes a portion of at least one of case advances made to said holder from said issuer and transfers of credit balances of said holder to said current balance. . . .” because such selection would have provided “*a system and process for establishing and carrying out functions adapted to affect credit card transactions. The functions can be discounts, rebates, special purchase operations . . . or other custom financing . . . which provide benefits to credit card issuers, merchants, and consumers.*” (See Walker (col. 3, ll. 40-50)).

As per claim 14, Walker shows the system of claim 1.

Walker lacks an explicit recitation of the elements and limitations of claim 14, even though Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 651-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests same.

Art Unit: 2162

“Official Notice” is taken that both the concept and the advantages of “wherein said qualifying purchase transaction includes purchasing or leasing a particular type of goods form any manufacturer of said type of goods. . . .” because such selection would have provided *“a system and process for establishing and carrying out functions adapted to affect credit card transactions. The functions can be discounts, rebates, special purchase operations . . . or other custom financing . . . which provide benefits to credit card issuers, merchants, and consumers.”* (See Walker (col. 3, ll. 40-50)).

As per claim 15, Walker shows the system of claim 1.

Walker lacks an explicit recitation of the elements and limitations of claim 15, even though Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 651-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests same.

“Official Notice” is taken that both the concept and the advantages of “wherein said qualifying purchase transaction is one of purchasing a new car, purchasing a used car, leasing a new car and leasing aq used car. . . .” because such selection would have provided *“a system and process for establishing and carrying out functions adapted to affect credit card transactions. The functions can be discounts, rebates, special purchase operations . . . or other custom financing . . . which provide benefits to credit card issuers, merchants, and consumers.”* (See Walker (col. 3, ll. 40-50)).

Art Unit: 2162

As per claim 16, Walker shows the system of claim 15.

Walker lacks an explicit recitation of the elements and limitations of claim 16, even though Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 651-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests same.

“Official Notice” is taken that both the concept and the advantages of “wherein said pre-defined program rules include requiring said holder to provide a sales receipt and a change of title of said car to said issuer. . . .” because such selection would have provided “*a system and process for establishing and carrying out functions adapted to affect credit card transactions. The functions can be discounts, rebates, special purchase operations . . . or other custom financing . . . which provide benefits to credit card issuers, merchants, and consumers.*” (See Walker (col. 3, ll. 40-50)).

As per claim 17, Walker shows the system of claim 1.

Walker lacks an explicit recitation of the elements and limitations of claim 17, even though Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 651-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests same.

Art Unit: 2162

“Official Notice” is taken that both the concept and the advantages of “a second credit card issued by said issuer to a second holder; wherein said purchase transactions of said second holder are added to said rebate tally. . . .” because such selection would have provided *“a system and process for establishing and carrying out functions adapted to affect credit card transactions. The functions can be discounts, rebates, special purchase operations . . . or other custom financing . . . which provide benefits to credit card issuers, merchants, and consumers.”* (See Walker (col. 3, ll. 40-50)).

As per claim 18, Walker shows the system of claim 17.

Walker lacks an explicit recitation of the elements and limitations of claim 18, even though Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 651-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests same.

“Official Notice” is taken that both the concept and the advantages of “wherein the relationship of said second holder to said holder is at least one of a family member, a co-inhabitant and a co-employee. . . .” because such selection would have provided *“a system and process for establishing and carrying out functions adapted to affect credit card transactions. The functions can be discounts, rebates, special purchase operations . . . or other custom financing . . . which provide benefits to credit card issuers, merchants, and consumers.”* (See Walker (col. 3, ll. 40-50)).

Art Unit: 2162

As per claim 19, Walker shows the system of claim 1.

Walker lacks an explicit recitation of the elements and limitations of claim 19, even though Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 651-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests same.

“Official Notice” is taken that both the concept and the advantages of “wherein said rebate payment from said issuer to said holder comprises at least one of a check for said rebate payment forwarded to said holder from said issuer and a credit for said rebate payment to said current balance of said holder. . . .” because such selection would have provided “*a system and process for establishing and carrying out functions adapted to affect credit card transactions. The functions can be discounts, rebates, special purchase operations . . . or other custom financing . . . which provide benefits to credit card issuers, merchants, and consumers.*” (See Walker (col. 3, ll. 40-50)).

Claim 20 is rejected for substantially the same reasons as claim 1.

Claim 21 is rejected for substantially the same reasons as claim 2.

Claim 22 is rejected for substantially the same reasons as claim 3.

Art Unit: 2162

Claim 23 is rejected for substantially the same reasons as claim 4.

Claim 24 is rejected for substantially the same reasons as claim 5.

Claim 25 is rejected for substantially the same reasons as claim 6.

Claim 26 is rejected for substantially the same reasons as claim 7.

Claim 27 is rejected for substantially the same reasons as claim 8.

Claim 28 is rejected for substantially the same reasons as claim 9.

Claim 29 is rejected for substantially the same reasons as claim 10.

Claim 30 is rejected for substantially the same reasons as claim 11.

Claim 31 is rejected for substantially the same reasons as claim 12.

Claim 32 is rejected for substantially the same reasons as claim 13.

Claim 33 is rejected for substantially the same reasons as claim 14.

Art Unit: 2162

Claim 34 is rejected for substantially the same reasons as claim 15.

Claim 35 is rejected for substantially the same reasons as claim 16.

Claim 36 is rejected for substantially the same reasons as claim 17.

Claim 37 is rejected for substantially the same reasons as claim 18.

Claim 30 is rejected for substantially the same reasons as claim 19.

CONCLUSION

3. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Any response to this action may be sent via facsimile to either:

(703) 746-7239 or (703) 872-9314 (for formal communications EXPEDITED PROCEDURE) or

(703) 746-7239 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Art Unit: 2162

Hand delivered responses may be brought to:

Sixth floor Receptionist
Crystal Park II
2121 Crystal Drive
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

2121 Crystal Drive
Arlington, Virginia.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

John L. Young

Patent Examiner



February 4, 2002



ERIC W. STAMBER
PRIMARY EXAMINER